

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, November 14, 2001, 9:30 A.M.

ACTION CALENDAR:

1. **A-5615, Appeal of Chris and Andrea Murtha** (Historic Preservation Commission – Historic Area Work Permit). Motion to Intervene from Rachel T. McGuckian, Esquire, for the Town of Kensington. Also included is a reply from the appellants to the Town of Kensington's Motion to Intervene.

Action: Granted Motion to Intervene, (LLM/AIF, 5-0).

Board Members

Donald H. Spence, Jr., Chairman
Donna L. Barron, Vice Chairman
Louise L. Mayer
Angelo M. Caputo
Allison Ishihara Fultz

Staff

Sherry Glazer, Assistant County Attorney
Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist

Please be advised that the Board of Appeals now has it's own web site in which you can review the Monthly Calendar, Hearing Agenda, Worksession Agenda, Worksession Minutes, Notices, Opinions, and Applications. To enter the web site go to www.co.mo.md.us, click on County Council, Click on Legislative Branch Offices, then click on Board of Appeals. If you have any problems, please give us a call and we can try to help you through it.

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, November 14, 2001, 9:00 A.M.

ACTION CALENDAR:

1. **Minutes**, October 30 and November 7, 2001 Worksession.

Action: Approved, (LLM/AMC, 4-0/AIF/absent).

2. **A-5628, Appeal of Julie W. Davis and John R. Metz** (Historic Preservation Commission – Historic Area Work Permit). Letter to the Board from the appellants requesting a dismissal of the appeal and a refund of the filing fee.

Action: (1) Granted request to dismiss the appeal; (2) granted 50% refund of the filing fee in accordance with the Board's Rules of Procedure, (LLM/DLB, 4-0/AIF/absent).

3. **CBA-1201, Petition of Ngoc-Diep T. Vuong and Thao Thanh Bui** (horticultural nursery and commercial greenhouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, Department of Permitting Services (DPS) notifying the Board of an active, ongoing violation of the special exception.

Action: Schedule Show Cause Hearing, (LLM/AMC, 4-0/AIF/absent).

4. **CBA-2185, Petition of Vincent T. Promuto** (private riding stable). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (AMC/LLM, 4-0/AIF/absent).

5. **CBA-2349 [CBA-2350] Petition W. Robert Widerner** (private riding stable). Memorandum from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (LLM/AMC, 4-0/AIF/absent).

6. **CBA-2637, Petition of Howard Polinger, ET AL and Gino's Inc.** (off-street parking of motor vehicles). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception is a permitted use and no longer requires a special exception.

Action: Revoked special exception as a permitted use, (LLM/AMC, 4-0/AIF/absent).

7. **CBA-2649 and CBA-3018, Petition of YMCA of Montgomery County, Inc.** (eleemosynary and philanthropic institution and day camp for up to 20 children). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exceptions have been abandoned and requesting that the special exceptions be revoked.

Action: Schedule Show Cause Hearing, (LLM/AMC, 4-0/AIF/absent).

8. **S-36, Petition of Fred Burka and Marvin Goldman** (golf driving range and miniature golf course). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Revoked special exception as abandoned, (DLB/LLM, 4-0/AIF/absent).

9. **S-867, Petition of Robert M. Ramsburg t/a Kart Landscaping and Lawns** (horticultural nursery and commercial greenhouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (LLM/DLB, 4-0/AIF/absent).

10. **S-1095, Petition Amoco Oil Company** (automobile filling station). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, requesting a Show Cause Hearing to resolve an active violation.

Action: Schedule Show Cause Hearing, (LLM/AMC, 4-0/AIF/absent).

11. **S-1289-A, Petition of Manor Healthcare Corporation** (nursing and assisted living facility). Letter to the Board from Patricia A. Harris, Esquire, requesting a minor modification. (Large exhibit: site plan).

Action: (1) Denied administrative modification request; (2) applicant has the option of apply for a public hearing, (LLM/DLB, 4-0/AIF/absent).

12. **S-1557, Petition of James E. Stachura, Sr.** (home occupation). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (AMC/LLM, 5-0).

13. **S-1778, Petition of McDonalds Corporation [S-2418, Petition of Taco Bell Corporation]** (drive-in restaurant). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the original special exception for the property was never implemented and requesting that the Board revoke the special exception.

Action: Revoked special exception as never implemented, (AMC/LLM, 5-0).

14. **S-1954, Petition of Blue Mash Golf Course** (golf course). Letter to the Board from C. Robert Dalrymple, Esquire, requesting an administrative modification. (Large exhibit: rendered site plan).

Action: (1) Denied administrative modification request; (2) applicant has the option of applying for a public hearing, (LLM/DLB, 5-0).

15. **S-2072, Petition of Davco Restaurants, Inc.** (drive-in restaurant). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, requesting a Show Cause Hearing for resolution of active violations.

Action: Schedule Show Cause Hearing, (AMC/LLM, 5-0).

16. **S-2073, Petition of Taco Bell** (drive-in restaurant). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, requesting a Show Cause Hearing to resolve the active violations.

Action: Schedule Show Cause Hearing, (AMC/LLM, 5-0).

17. **S-2198, Petition of Ronald Furman and Patricia Prinz Furman** (bed and breakfast). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, requesting that the Board convene a public hearing to determine the status of the special exception. Also included is a letter from Kevin T. Keyes, current property owner.

Action: Revoked special exception as never implemented, (AMC/LLM, 5-0).

18. **S-2447, Petition of AT&T Wireless Services** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Edward L. Donohue, Esquire, with a petition for reconsideration and a request for expedited consideration. Also included is a letter from Norman G. Knopf, Esquire, in opposition to the petition for reconsideration and request for expedited consideration.

Action: (1) Board to hold a hearing on the motion for reconsideration on 12/5/01 @ 8:30 a.m.; (2) public hearing to be limited to one hour, consensus.

19. **S-2457, Petition of The Harbor School** (private educational institution). Letter to the Board from Todd D. Brown, Esquire, submitting the final Carpool Ratio Maintenance Plan, revised Transportation Management Plan, and the final Enrollment Contract.

Action: Record reopened to include the final documents received from Mr. Brown, (AIF/DLB, 5-0).

20. **S-2497, Petition of Crabbs Branch Village, LLC/Shady Grove Village** (residential dwelling units in the I-1 Zone). Letter to the Board from Barbara A. Sears, Esquire, and Yum Yu Cheng, Esquire, requesting that the special exception be referred to the Hearing Examiner.

Action: Record to be referred to the Office of the Hearing Examiner, (LLM/AIF, 5-0).

PENDING ITEMS:

21. **CBA-1692 [S-719, S-720, S-721], Petition of Karl W. Corby, Jr. , et al** (medical practitioner's office). Letter to the Board from Stanley N. Garber, Zoning Investigator, notifying the Board of the special exceptions outstanding Notices of Violation. Item deferred to a future worksession pending clarification from DPS.

22. **CBA-2876, Petition of Great Hope, Inc.** (community redevelopment project). Letter to the Board from William J. Chen, Jr., Esquire, requesting a transfer of the special exception. Item deferred until the next worksession. Staff to contact Mr. Chen regarding petitioner's ownership interest.

PENDING ITEMS (continued):

23. **S-2473, Petition of Adnan Haider** (accessory apartment). Letters to the Board from L. Morgan Bates (Marguerite) and Suzanne McLaughlin, neighbors, regarding the special exception. Board to request Department of Housing and Community Affairs (DHCA) inspection of the special exception.

Board Members

Donald H. Spence, Jr., Chairman
Donna L. Barron, Vice Chairman
Louise L. Mayer
Angelo M. Caputo
Allison Ishihara Fultz

Staff

Sherry Glazer, Assistant County Attorney
Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist

Please be advised that the Board of Appeals now has it's own web site in which you can review the Monthly Calendar, Hearing Agenda, Worksession Agenda, Worksession Minutes, Notices, Opinions, and Applications. To enter the web site go to www.co.mo.md.us, click on County Council, Click on Legislative Branch Offices, then click on Board of Appeals. If you have any problems, please give us a call and we can try to help you through it.